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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,658	08/16/2005	Ramon Castey Dominguez	TJA-113US	2395
23122	7590	03/28/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER VAN, QUANG T	
			ART UNIT 3742	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/527,658	DOMINGUEZ, RAMON CASTEY	
	Examiner	Art Unit	
	Quang T. Van	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,9,12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11,13,14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 10-11, 13-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al (JP06-215862). Aoki discloses a cooking utensil heated for electromagnetic induction heating cooker comprising a container (11) made from a first material (par. 0021, line 3, translation), that has integrated on the outer face of its bottom wall a heat distributing or diffusing plate (14) made from a second, different, heat conducting material, the outer surface of the bottom wall of the container (11) having a series of spaced projections (figure 3b) and in that said heat distributing plate (14) is made up of a disc made from a ferromagnetic material (par. 0021, line 5, translation) provided with a number of perforations (15-17) equivalent to the number of projections and appropriately distributed to allow the engagement of said disc, backed onto said bottom wall. With regard to the term "inserting the lugs through the perforations, leaving the disc attached to the bottom wall by riveting said projections", the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this case, the term

"inserting the lugs through the perforations, leaving the disc attached to the bottom wall by riveting said projections", recited in claim 1, lines 8-9, is considered a product-by-process claim. Therefore, the claim recites only "the heat distributing plate comprises a disc made from a ferromagnetic material provided with a number of perforations equivalent to the number of projections or lugs and appropriately distributed to allow the engagement of said disc, backed onto said bottom wall " and no patentable weight is given to the term "inserting the lugs through the perforations, Leaving the disc attached to the bottom wall by riveting said projections".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al (JP06-215862) in view of Sollo (US 6,702,140). Aoki discloses substantially all features of the claimed invention except the step of coupling said container to said diffusion plate or utensil support base by deforming at least a portion of said plurality of projections against said diffusion plate or utensil support base. Sollo discloses the step of coupling said container to said diffusion plate or utensil support base by deforming at least a portion of said plurality of projections against said diffusion plate or utensil support base (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Aoki the step of coupling said

container to said diffusion plate or utensil support base by deforming at least a portion of said plurality of projections against said diffusion plate or utensil support base as taught by Sollo in order to perform a stable connection among said parts with no mechanical and /or thermal trauma for the materials.

5. Claims 2, 9, 12, 15 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest an annular partition which surrounds said outer surface of its bottom wall plane defining an open, flattened housing suitable for receiving said fitted disc, the height of the partition being slightly lower than that of said lugs and leaving the disc, once it is attached and the lugs are inserted into the holes and riveted, coplanar to the edge of said partition as recited in claims 2, 9, 12 and 15.

Response to Amendment

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



QV

March 23, 2007



Quang T Van

Primary Examiner

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